

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
BIRMINGHAM DIVISION**

LAWRENCE SIDES,)	
)	
Plaintiff,)	
)	No.
v.)	
)	
BARRY A. FRIEDMAN)	
& ASSOCIATES, P.C.,)	
)	
Defendant.)	

PLAINTIFF'S COMPLAINT

LAWRENCE SIDES (Plaintiff), through his attorneys, alleges the following against
BARRY A. FRIEDMAN & ASSOCIATES, P.C. (Defendant):

INTRODUCTION

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this Court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."

3. Defendant conducts business in the State of Alabama; therefore, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

PARTIES

5. Plaintiff is a natural person residing in Cordova, Walker County, Alabama.

6. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3), and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5).

7. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6), and sought to collect a consumer debt from Plaintiff.

8. Plaintiff is informed and believes, and thereon alleges, that Defendant is a debt collection law firm with an office in Mobile, Alabama.

9. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

10. In or around December of 2012, Defendant placed collection calls to Plaintiff seeking and demanding payment for an alleged consumer debt.

11. Plaintiff's alleged debt owed arises from transactions for personal, family, and household purposes.

12. Defendant called Plaintiff's telephone number at 205-915-35XX.

13. In or around December of 2012, Defendant called Plaintiff and left a voicemail message on Plaintiff's answering machine. *See* transcribed voicemail message attached hereto as Exhibit A.

14. In the voicemail message, Defendant's representative, "Anna Moore" failed to meaningfully disclose the company's name, the nature of the call, or state that the call was from a debt collector. *See* Exhibit A.

15. In the voicemail message, Defendant's representative, "Anna Moore", directed Plaintiff to call her back at 1-251-439-7400, which is a number that belongs to Defendant. *See* Exhibit A.

16. Defendant is using false, deceptive and misleading means in connection with attempting to collect a debt by not identifying the purpose of its phone calls or that they are an attempt to collect a debt.

COUNT I

DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

17. Defendant violated the FDCPA based on, but not limited to, the following:
- a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse Plaintiff.
 - b. Defendant violated §1692d(6) of the FDCPA by placing telephone calls without meaningful disclosure of the caller's identity because Defendant did not provide the identity of the caller or the nature of the debt.
 - c. Defendant violated §1692e of the FDCPA by using false, deceptive or misleading representation with the collection of the debt.
 - d. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an attempt to collect a debt.
 - e. Defendant violated §1692e(11) of the FDCPA by failing to disclose that the call was from a debt collector.

WHEREFORE, Plaintiff, LAWRENCE SIDES, respectfully requests judgment be entered against Defendant, BARRY A. FRIEDMAN & ASSOCIATES, P.C., for the following:

18. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k;
19. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k; and
20. Any other relief that this Court deems appropriate.

Respectfully Submitted,

By: /s/ M. Brandon Walker

M. Brandon Walker (ASB-7482-H62W)

One of the Attorneys for the Plaintiff

WITH THE LAW FIRM OF:

WALKER McMULLAN, LLC

242 West Valley Avenue

Suite 312

Birmingham, Alabama 35209

(205) 417-2541

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF ALABAMA)
)
COUNTY OF WALKER) ss:

Plaintiff, LAWRENCE SIDES, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, LAWRENCE SIDES, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

1-4-2013
Date


LAWRENCE SIDES